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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/803,209

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Manabu Niie

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08/10/2004

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EXAMINER

LEWIS, MICHAEL A

ART UNIT

PAPER NUMBER

2655

DATE MAILED: 08/10/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,209

Applicant(s)

NIIE ET AL.

Examiner

Michael A Lewis

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/9/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8, 11-14, 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 11-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/9/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Drawing

1. The Office acknowledges the drawing proposal filed on 6/18/04, which is approved by the examiner. New drawings are required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1,6, 8, 13, 14, 17, 18 & 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto et al. (U.S. Patent 6192338) in view of Erb (EP 1189417A2).

Regarding claims 1, 8 & 14, Haszto et al. disclose a service providing system/apparatus (with receiving device, storage, processor and output device) that addresses the following: At least one service providing apparatus for processing information to provide a service [*Airline or Financial Webserver*] (Col 3, Line 20, Col 4, Line5), At least one service requesting apparatus for processing information to request the service form the service providing apparatus (Col 3, Line 30). At least one service mediating apparatus connected to the service providing apparatus and the service requesting apparatus via a network. Haszto et al. describe a first server that works with the client to ascertain information that mediates or directs the user to the correct service (Col 3, Line 7- 20, See 10, Fig.1), the service requesting apparatus receives a voice input indicating an instruction as to the service requested by a user of the service requesting apparatus (Col 3, Line 30), wherein the service mediating apparatus specifies a service providing apparatus that is to perform a process corresponding to the instruction (Col 3, Line 20, 10, See Fig. 1), wherein based on the specified service providing apparatus, the service mediating apparatus specifies a speech recognition engine which is to recognize a voice input from the user (Col 3, Line 20), wherein the specified service providing apparatus which is to provide a service based on speech recognition performed by the specified speech recognition engine (Fig 3 & Fig 4). Haszto et al. do not disclose that the service mediating apparatus that includes a table having a plurality of

entries defining corresponding relationships between service providing apparatuses and speech recognition engines each of which recognizes particular speech, and wherein said table is used by the service mediating apparatus to select one of said speech recognition engines which recognizes particular speech corresponding to the instruction. However, Erb teaches a communication system utilizing a speech control device *[claimed mediating apparatus]* that defines the allocation relationship by the use of a table with at least one speech recognition engine which recognizes particular speech corresponding to an instruction (Page 3, Lines 40 – 55). In large network communication systems with a plurality of resources (SREs, etc), it is necessary for control unit *[mediating apparatus]* to track the state of each resource by the use of table for the purpose of automated processing.

Therefore it would have been obvious to one of ordinary skill at the time of the invention to modify Haszto et al. with the use of tables to define relationship with various resources including speech recognition engines as taught by Erb since it would have been necessary for a control unit *[service mediating apparatus]* to track and define the state of each resource by the use of table for the purposes of automated processing.

Regarding claims 6, 13 & 17, Haszto et al. disclose that the information processing apparatus that is to recognize voice is connected to the network (Fig. 4).

Regarding claim 18, Hazto et al. disclose the use of a computer system with programs, including a speech recognition system, stored in non-volatile memory (Col 3, Line16).

Regarding claim 19, Hazto et al. disclose a voice portal through an internet web browser where the user through voice utterances receive information from a service providing device. The arrangement is also described for a telephone or PSTN system (See Figure 4 and Figure 6).

4. Claims 4, 5, 7, 11, 12 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haszto in view of Erb as applied to claims 1, 8 & 14 above, and further in view of Bryan et al. (U.S. Patent Application 09800371).

Regarding claims 4, 11 & 16, Haszto et al. disclose a first server [claimed mediating device] that communicates with a client providing a service in response to a verbal request. The network knowledge server provides context to guide recognition server parameters that are basically tagged text. The web server uses the tagged text to search for the information and return it to the user.

The web search engine hosted by the web server is the information processing apparatus that is used to search the various databases within an intranet or on the Internet for the service providing information that is returned to the user. A text version of the voice is recognized and processed by the service providing apparatus. Hazto et al. do not explicitly teach the use of voice extensible markup language or VXML for storing data. However, Bryan et al. teach the use of voice extensible markup language for storing and processing information (Page 5, 0063). Voice XML gives users tagged text that is particular to voice/speech that makes it easier to categorize and search data.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to update Hazto et al. with the use of voice extensible markup language as taught by Bryan et al. since it would have improved the ability of the system to categorize, store and search data.

Regarding claim 5 & 12, the Hazto et al. do not show that the information described by the voice extensible markup language (VoiceXML) includes information specifying an execution condition for recognizing a voice.

However, Bryan et al. (Page 5, 0063) teach that audio macros entered by the user may be converted into VoiceXML grammar. The VoiceXML grammar enhances the ability of data gathering engine to extract information from a data source.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to update Hazto et al. with the use of voice extensible markup language grammar as taught by Bryan et al. since it would have improved the ability of the system to categorize, store, search and retrieve data.

Regarding claim 7, Haszto et al. do not disclose the use of the information processing apparatus usable in a moving vehicle. However, it is generally understood in the art at the time of the invention that the service apparatus can be an information processing apparatus with mobile internet access. Furthermore, Bryan et al. teach that the service requesting apparatus can be accessed by mobile phones and the wireless internet (Fig. 1(102)). It would have been beneficial to users within moving vehicles to have service information in real-time using mobile internet service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the modified Hazto et al. with the use of mobile internet service in a moving vehicle as taught by Bryan et al. since it would have improved the versatility of the application by giving access to remote users in moving vehicles.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4 - 8, 11 - 14 & 16 - 18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Perez-Mendez et al.

(US005754978A)

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael A Lewis whose telephone number is 703 305-8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (703)305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis A Michael
Examiner
Art Unit 2655

Mal

7/21/2004


W. R. YOUNG
PRIMARY EXAMINER